

HOUSE BILL No. 4122

January 30, 2003, Introduced by Reps. Sak, Dennis, Clack, Plakas, Farrah, Byrum, Vagnozzi, O'Neil, Waters, Brown, Gleason and Paletko and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 931 (MCL 168.931), as amended by 1996
PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 931. (1) A person who violates 1 or more of the
2 following subdivisions is guilty of a misdemeanor:

3 (a) A person shall not, either directly or indirectly, give,
4 lend, or promise valuable consideration, to or for ~~any~~ a
5 person, as an inducement to influence the manner of voting by a
6 person relative to a candidate or ballot question, or as a reward
7 for refraining from voting.

8 (b) A person shall not, either before, on, or after an
9 election, for the person's own benefit or on behalf of ~~any~~
10 ~~other~~ **another** person, receive, agree, or contract for valuable

1 consideration for 1 or more of the following:

2 (i) Voting or agreeing to vote, or inducing or attempting to
3 induce another to vote, at an election.

4 (ii) Refraining or agreeing to refrain, or inducing or
5 attempting to induce another to refrain, from voting at an
6 election.

7 (iii) Doing anything prohibited by this act.

8 (iv) Both distributing absent voter ballot applications to
9 voters and receiving signed applications from voters for delivery
10 to the appropriate clerk or assistant of the clerk. This
11 subparagraph does not apply to an authorized election official.

12 (c) A person shall not solicit ~~any~~ valuable consideration
13 from a candidate for nomination for, or election to, an office
14 described in this act. This subdivision does not apply to
15 requests for contributions of money by or to an authorized
16 representative of the political party committee of the
17 organization to which the candidate belongs. This subdivision
18 does not apply to a regular business transaction between a
19 candidate and ~~any other~~ **another** person that is not intended
20 for, or connected with, the securing of votes or the influencing
21 of voters in connection with the nomination or election.

22 (d) A person shall not, either directly or indirectly,
23 discharge or threaten to discharge an employee of the person for
24 the purpose of influencing the employee's vote at an election.

25 (e) A priest, pastor, curate, or other officer of a religious
26 society shall not for the purpose of influencing a voter at an
27 election, impose or threaten to impose upon the voter a penalty

1 of excommunication, dismissal, or expulsion, or command or advise
2 the voter, under pain of religious disapproval.

3 (f) A person shall not hire a motor vehicle or other
4 conveyance or cause the same to be done, for conveying voters,
5 other than voters physically unable to walk, to an election.

6 (g) In a city, township, village, or school district that has
7 a board of election commissioners authorized to appoint
8 inspectors of election, an inspector of election, a clerk, or
9 other election official who accepts an appointment as an
10 inspector of election shall not fail to report at the polling
11 place designated on election morning at the time specified by the
12 board of election commissioners, unless excused as provided in
13 this subdivision. A person who violates this subdivision is
14 guilty of a misdemeanor, punishable by a fine of not more than
15 \$10.00 or imprisonment for not more than 10 days, or both. An
16 inspector of election, clerk, or other election official who
17 accepts an appointment as an inspector of election is excused for
18 failing to report at the polling place on election day and is not
19 subject to a fine or imprisonment under this subdivision if 1 or
20 more of the following requirements are met:

21 (i) The inspector of election, clerk, or other election
22 official notifies the board of election commissioners or other
23 officers in charge of elections of his or her inability to serve
24 at the time and place specified, 3 days or more before the
25 election.

26 (ii) The inspector of election, clerk, or other election
27 official is excused from duty by the board of election

1 commissioners or other officers in charge of elections for cause
2 shown.

3 (h) A person shall not willfully fail to perform a duty
4 imposed upon that person by this act, or disobey a lawful
5 instruction or order of the secretary of state as chief state
6 election officer or of a board of county election commissioners,
7 board of city election commissioners, or board of inspectors of
8 election.

9 (i) A delegate or member of a convention shall not solicit a
10 candidate for nomination before the convention for money, reward,
11 position, place, preferment, or other valuable consideration in
12 return for support by the delegate or member in the convention.
13 A candidate or other person shall not promise or give to a
14 delegate money, reward, position, place, preferment, or other
15 valuable consideration in return for support by or vote of the
16 delegate in the convention.

17 (j) A person elected to the office of delegate to a
18 convention shall not accept or receive ~~any~~ money or other
19 valuable consideration for his or her vote as a delegate.

20 (k) A person shall not, while the polls are open on an
21 election day, solicit votes in a polling place or within 100 feet
22 from an entrance to the building in which a polling place is
23 located.

24 (l) A person shall not keep a room or building for the
25 purpose, in whole or in part, of recording or registering bets or
26 wagers, or of selling pools, upon the result of a political
27 nomination, appointment, or election. A person shall not wager

1 property, money, or thing of value, or be the custodian of money,
2 property, or thing of value, staked, wagered, or pledged upon the
3 result of a political nomination, appointment, or election.

4 (m) A person shall not participate in a meeting or a portion
5 of a meeting of more than 2 persons, other than the person's
6 immediate family, at which an absent voter ballot is voted.

7 (n) A person, other than an authorized election official,
8 shall not, either directly or indirectly, give, lend, or promise
9 ~~any~~ valuable consideration to or for a person to induce that
10 person to both distribute absent voter ballot applications to
11 voters and receive signed absent voter ballot applications from
12 voters for delivery to the appropriate clerk.

13 (o) A person shall not contract for, pay or receive payment
14 for, take steps to make, or otherwise undertake to make or bring
15 about automated telephone calls supporting or opposing a
16 candidate for nomination for or election to public office.

17 (2) A person who violates a provision of this act for which a
18 penalty is not otherwise specifically provided in this act, is
19 guilty of a misdemeanor.

20 (3) A person or a person's agent who knowingly makes,
21 publishes, disseminates, circulates, or places before the public,
22 or knowingly causes directly or indirectly to be made, published,
23 disseminated, circulated, or placed before the public, in this
24 state, either orally or in writing, an assertion, representation,
25 or statement of fact concerning a candidate for public office at
26 an election in this state, that is false, deceptive, scurrilous,
27 or malicious, without the true name of the author being

1 subscribed to the assertion, representation, or statement if
2 written, or announced if unwritten, is guilty of a misdemeanor.

3 (4) As used in this section, "valuable consideration"
4 includes, but is not limited to, money, property, a gift, a prize
5 or chance for a prize, a fee, a loan, an office, a position, an
6 appointment, or employment.